

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

THOMAS J. MCBRIDE and ALISA
MCBRIDE,

Plaintiffs,

v.

MICHAEL DAVIS and PROTECTION ONE
ALARM MONITORING, INC.,

Defendants.

Case No. 3:05-cv-433-GPM

ORDER

This matter is before the Court on the Motion to Continue filed by the Defendants, One Alarm Monitoring, Inc. and Michael Davis, on March 23, 2006 (Doc. 27).

This matter was set for a settlement conference to occur on March 24, 2006. The parties were notified of the settlement procedures in the Order and Notice of Settlement Conference dated August 3, 2005 (Doc. 13). The parties were informed that they should submit a settlement statement seven days prior to the conference. While the Plaintiffs timely complied with this Order, the Defendants did not. When Chambers contacted defense counsel on March 23, 2006 (a day before the scheduled conference) requesting the settlement statement, defense counsel, Robbye H. Toft, indicated that she was currently awaiting a verdict in another trial in state court and will not be able to participate in the conference. She further indicated that someone from her office had contacted chambers to request a continuance. No such request was made to chambers.¹ Nonetheless, Ms. Toft indicated that she would file this motion to continue.

¹ It appears that someone from Ms. Toft's office contacted chambers in the afternoon of March 22, 2006 with the mistaken belief that the settlement conference was set for March 23, 2006. When she was informed that the settlement conference was set for March 24, 2006, she did not indicate that a continuance was necessary.

While the Court is mindful that attorneys often juggle multiple cases and that scheduled events cannot always be met, it is discourteous, to the Court and the opposing party, to request an extension for an in person settlement conference only one day prior to the scheduled event. The fact that Ms. Toft has been in trial since March 13, 2006 does not excuse the failure to submit a settlement statement in this case or the failure to timely seek a continuance. Nonetheless, as it is clear that Ms. Toft will not be able to appear tomorrow, the motion is **GRANTED**. The settlement conference is **RESET** to **April 27, 2006 at 9:00 a.m.** The Court hastens to add that if Plaintiffs or Plaintiffs' counsel were not local, this settlement conference would not have been reset and costs would have been imposed upon the Defendant if they failed to appear. The Defendants are hereby **WARNED** that the failure to timely notify this Court of future scheduling problems will result in sanctions.

DATED: March 23, 2006

s/ Donald G. Wilkerson
DONALD G. WILKERSON
United States Magistrate Judge